

# PATENT COOPERATION TREATY

15/1/04

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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To:

- 2 FEB. 2004

ZACCO DENMARK A/S  
Hans Bekkevolds Allé 7  
DK-2900 Hellerup  
DANEMARK

Zacco Denmark A/S

WRITTEN OPINION  
(PCT Rule 66)

COPY

Date of mailing  
(day/month/year) 30.01.2004

Applicant's or agent's file reference  
P200200947WO

REPLY DUE within 3 month(s)  
from the above date of mailing

International application No.  
PCT/DK 03/00246

International filing date (day/month/year)  
11.04.2003

Priority date (day/month/year)  
14.06.2002

International Patent Classification (IPC) or both national classification and IPC  
C10M175/00

Applicant  
OILCARE APS et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Firsttype: BEHMAN  
Desv. First: 300404  
ENSP. FIRST:  
Kontrolfrist:

3. The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 14.10.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Plaka, T

Formalities officer (incl. extension of time limits)  
Delmon, G  
Telephone No. +31 70 340-2525



## I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

## Description, Pages

1-12 as originally filed

## Claims, Numbers

1-34 as originally filed

## Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b))  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	18,20,22-24,33 no
Inventive step (IS)	Claims	1-17,19,21,25-32,34 no
Industrial applicability (IA)	Claims	

**2. Citations and explanations**  
**see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following document:

D1: EP-A-0 381 355 (FILTERCORP INC) 8 August 1990 (1990-08-08)

Document D1 discloses a process and associated apparatus for purifying used cooking oil comprising prefiltering the oil and then passing the prefiltered oil through a filtering unit in which the filtering medium comprises a pad made of cellulose fibres and carbon particles adhered to each other by a binder. The fibre pad is supported on a metal net. A pump is used to force the oil through the treatment steps. The carbon particles are used for the removal of the substances giving odour and colour to the used oil.

The subject-matter of process claims 1, 2, 9, 10 and 17 differs from the process of D1 only in that it is aimed for the purification of waste oil or rerefined oil from mineral or synthetic oil. Since carbon is well known as a sorbent with a wide spectrum of action, the skilled person would regard it as a normal option to apply the purification process of D1 for any waste oil.

Therefore, the subject-matter of claims 1, 2, 9, 10 and 17 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT).

In the apparatus claims the wording "for the purification of waste oil or rerefined oil from mineral or synthetic oil" is construed as meaning merely apparatus suitable for carrying out said purification. Therefore the apparatus of D1 possesses all the features specified in apparatus claims 18, 20, 22, 23, 24 and 33 and thus the subject-matter of said claims is not novel (Article 33(2) PCT).

Use claim 34 cannot be considered as involving an inventive step for the reasons already mentioned above concerning the process claims.

Furthermore, at present, no unexpected effect can be linked to the additional features of either the process or the apparatus claims (Article 33(3) PCT).